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**TWO AMERICAN CITIZENS CHARGED WITH CONSPIRING TO
PROVIDE MATERIAL SUPPORT TO AL QAEDA**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and JOHN KLOCHAN, the Acting Assistant Director in Charge of the New York Office of the Federal Bureau of Investigation, announced today that two defendants were charged in Manhattan federal court with conspiring to provide material support to al Qaeda, a designated foreign terrorist organization.

The one-count Complaint, which was filed on May 27, 2005, in the Southern District of New York, charges TARIK IBN OSMAN SHAH, a/k/a "Tarik Shah," a/k/a "Tarik Jenkins," a/k/a "Abu Musab," and RAFIQ SABIR, a/k/a "the Doctor," both United States citizens, with violating Title 18, United States Code, Section 2339B. SHAH, a self-described martial arts expert, and SABIR, a physician and martial arts student, both were recorded during the course of the investigation allegedly pledging their support and loyalty to al Qaeda and Usama Bin Laden.

The Complaint alleges that, between in or about 2003 up

to and including May 2005, SHAH and SABIR conspired to provide material support to al Qaeda. As set forth in the Complaint, SHAH and SABIR engaged in multiple meetings and conversations with a confidential source (the "CS") as well as an FBI Special Agent who was acting in an undercover capacity and posing as an al Qaeda operative and recruiter (the "UC"). The vast majority of the defendants meetings and conversation with the CS and the UC were consensually-recorded. During these meetings, SHAH and SABIR allegedly discussed providing material support to al Qaeda. In particular, SHAH allegedly agreed to provide training in martial arts and hand-to-hand combat to al Qaeda members and associates, while SABIR allegedly agreed to provide medical assistance to wounded jihadists in Saudi Arabia. Ultimately, in order to express their utmost loyalty to al Qaeda, SHAH and SABIR allegedly pledged an oath (referred to as bayat) to al Qaeda and Usama Bin Laden, thereby leaving them with the impression that they had become members of the organization.

Specifically, the Complaint charges that, during these conversations, SHAH repeatedly indicated his desire to train Muslim "brothers" in the martial arts in order to wage jihad and also regularly discussed his desire to find people who were willing to press the fight. In addition, SHAH allegedly took steps to find locations where such jihad training could take place in secret and where weaponry could be machined. For example, at one point, in the company of the CS, SHAH allegedly inspected a warehouse on Long

Island to determine its suitability as a training facility. As detailed in the Complaint, SHAH also described his previous efforts to recruit other "brothers who are ready," including a trip to Phoenix, Arizona, in an attempt to recruit others to the cause. SHAH also allegedly told the CS and the UC of his attempt with SABIR in approximately 1998 to get to training camps in Afghanistan. Further, it is alleged that law enforcement agents previously recovered from SHAH the names and telephone numbers of other individuals who had gone overseas to attend training camps in the Middle East, including Seifullah Champan, a member of the Virginia Jihad Network, who was convicted in the Eastern District of Virginia of providing material support to a Pakistan-based terrorist group in March 2004 and who was sentenced to 85 years in prison.

During the investigation, after being introduced by the CS to the UC, whom SHAH understood to be an al Qaeda operative, SHAH allegedly presented himself and his "partner" SABIR, referred to by SHAH as a skilled medical doctor living in Florida, as a "package" deal to the UC. SHAH allegedly explained to the UC that they were committed to al Qaeda and to jihad. SHAH allegedly agreed to provide a training syllabus for hand-to-hand combat and a videotape to the UC so that the UC's associates in the Middle East could evaluate SHAH's usefulness to the cause. SHAH also

allegedly expressed his interest in receiving training at camps overseas, including instruction about "chemical stuff" and firearms. During one meeting with the UC, it is alleged SHAH physically demonstrated how he had fashioned his prayer beads into a weapon which could be used to strangle a person.

Finally, the Complaint charges that, on May 20, 2005, both SHAH and SABIR met with the UC in an apartment in the Bronx, New York. During this meeting, SABIR indicated to the UC that he would be traveling shortly to Saudi Arabia where he was employed as a medical doctor at a Saudi military base and, with his credentials, could move around the country. SABIR specifically agreed to provide medical services to "wounded" jihadists in Saudi Arabia because they could not go to hospitals. SABIR also provided his telephone number to the UC so that other "brothers" could contact SABIR in Saudi Arabia.

In the presence of the UC, and under the impression that the UC had the authority of al Qaeda, both SHAH and SABIR allegedly took bayat, that is, they pledged an oath of loyalty to al Qaeda, and both men also allegedly committed themselves to the path of Holy War, to the oath of secrecy, and to abide by the directives of al Qaeda and its leaders, including Usama Bin Laden and Ayman al Zawahiri. Both defendants allegedly stated that they had been waiting for a long time to take such an oath. After pledging his loyalty to al Qaeda, SABIR allegedly stated, in substance, that

there is a "saying that you should be careful what you ask for because you might get it." Travel records indicate that SABIR was scheduled to leave for Saudi Arabia on June 2, 2005.

SHAH was arrested by FBI agents in the New York area this weekend and will be presented before a United States Magistrate Judge in Manhattan federal court on May 31, 2005. SABIR was arrested by FBI agents in the area of Boca Raton, Florida, and is expected to be presented before the United States Magistrate Court in the Southern District of Florida on May 31, 2005.

If convicted, each defendant faces a maximum sentence of 15 years in jail and a fine of \$250,000 or twice the gross gain or loss resulting from the crime.

Mr. KELLEY praised the efforts of the FBI and the New York Joint Terrorism Task Force for its assistance in the investigation.

Mr. KELLEY also said that the investigation is continuing.

Assistant United States Attorneys VICTOR L. HOU and KARL METZNER are in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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